

CHAPTER 35

HOME OCCUPATION

11-35-101	Purpose.
11-35-102	License Required.
11-35-103	Conditions.
11-35-104	Conditional Uses.
11-35-105	Exemptions.
11-35-106	Revocation.
11-35-107	Appeal.

11-35-101 Purpose.

(1) It is the purpose of this Chapter to establish guidelines, conditions, and requirements for limited non-agricultural business activities in residential and agricultural zones. For the purpose of this Chapter, "home occupation" is defined as an occupation or profession in which the associated activity or use is clearly incidental and secondary to the residential use of a dwelling unit, there is no alteration to the exterior of the dwelling unit to accommodate the occupation or profession, and such occupation or profession does not adversely affect the residential character of the surrounding neighborhood. A home occupation should be conducted in such a way that neighbors or passers-by would not, under normal circumstances, be aware of its existence.

(2) It is recognized that home occupation may be desirable to reduce "start up" costs for small businesses and to provide gainful employment within the community. However, if a home occupation grows to the point, or is conducted in such a manner, that the conditions of this Chapter are not met, the home occupation shall cease and any continuing business shall be moved to an appropriate location in a commercial zone.

11-35-102 License Required.

It shall be unlawful for any person or entity to engage in a home occupation in any agricultural or residential zone without first obtaining a home occupation business license to do so from the City Recorder. The procedure to be followed and applicable fees for a home occupation business license are set forth in the Business Licensing Regulations, Title 4, Farmington City Code.

11-35-103 Conditions.

Each home occupation shall comply with all of the following conditions:

(1) Only family members related by blood, marriage, or adoption who are bona fide residents of the dwelling unit shall be employed on said premises except that one (1) additional person may be employed as a secretary, computer operator, apprentice, or helper where there are no more than five (5) family members actively engaged in the home occupation.

(2) No exterior architectural or structural modifications shall be made to any dwelling unit to accommodate a commercial use in the dwelling.

(3) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling units, or uses which create noise, smell, sound, light, or vibration not normally associated with residential use, shall be prohibited.

(4) There shall be no display or sale of goods, wares, or merchandise upon said premises other than those produced upon the premises. Where the home occupation involves the sale of products, such products shall generally be delivered directly to the customer.

(5) One sign advertising the business may be permitted but shall be limited to one (1) square foot in area and shall be attached to the front face of the building or may be displayed in a window.

(6) The home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located.

(7) The home occupation shall not create a hazard by using flammable materials, explosives or other dangerous or hazardous materials, or by keeping, raising or storing animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person.

(8) The home occupation shall not create a demand for municipal services or community facilities in excess of those usually and customarily provided for residential uses.

(9) Not more than twenty-five percent (25%) of the floor area of a dwelling may be devoted to a home occupation, and/or storage of materials, equipment, or stock in trade associated with the occupation, except as provided in Section 11-35-104 below .

(10) The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental, secondary and compatible to the residential use of the dwelling. The home occupation shall not occupy or use any accessory building, yard space, or activity outside the main building, or an attached garage to the extent that vehicle parking is displaced, unless approved by the Planning Commission as provided in Section 11-35-104 below.

(11) A foster home, child day care center, or preschool shall not have more than eight (8) children at one time except as provided in Section 11-35-104 below.

(12) Music, dancing teachers, or tutors shall be limited to not more than eight (8) pupils at one time except as provided in Section 11-35-104 below.

(13) The size of vehicles used in conjunction with a home occupation shall not exceed one (1) ton rated capacity. Off-street parking, in compliance with the provisions of this Title, shall be provided for all business and private vehicles associated with a residential property.

(14) There shall be complete conformity with all City and State codes, including business license regulations. Depending on the type of business, periodic inspections may be made as required by these codes or as deemed necessary or desirable by the City.

(15) The following uses, among others, shall not be allowed as home occupations:

- (a) Barber shops and beauty salons except for a barber or beautician who has no assistants and sells no products except their skilled services;
- (b) Kennels or animal hospitals;
- (c) Commercial stables;
- (d) Restaurants;
- (e) Sale or repair of firearms;
- (f) Repair shops or service establishments, except for the repair of electrical appliances, typewriters, televisions, cameras, or other similar small items.

11-35-104 Conditional Uses.

(1) The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a Conditional Use Permit:

- (a) Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted, or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child day care, crafts classes, and other similar uses. For all such uses, the Farmington City Building Official shall inspect the facilities to ensure compliance with the requirements of the Uniform Building Codes.

Preschool and child day care uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced;
- (b) Uses where the applicant proposes to use more than twenty-five (25%) of the dwelling in connection with the business;
- (c) Any use where outside storage, use of an accessory building, or exclusive use of an attached garage is anticipated or requested in conjunction with the home occupation;

(2) In evaluating a home occupation conditional use, the Planning Commission shall apply the review standards contained in Chapter 8 of this Title and, if applicable, site development standards contained in Chapter 7.

11-35-105 Exemptions.

- (1) The following uses are exempt from the provisions of this Chapter:
 - (a) Sale of goods or services by City residents age 18 or under;

- (a) Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
- (b) Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once each month;
- (c) Community/neighborhood fund raisers which are sponsored and/or approved by the City;
- (e) Other exemptions as specifically approved in writing by the City Council.

11-35-106 Revocation.

Violation of, or failure to comply with, the requirements of this Chapter may result in revocation by the Farmington City Council of the home occupation business license. Any activity presenting an immediate threat to the health, safety and welfare of the neighboring residents may be ordered terminated immediately by the Mayor under the powers given him to act in an emergency.

11-35-107 Appeal.

Any person or entity denied a home occupation business license shall have the right to appeal such denial to the City Council if a written request for an appeal is made to the City within thirty (30) days of the denial.

Chapter 35 Amended, 12/8/93, Ord. 93-44
 11-35-104(1)(a) Amended, 12/6/95, Ord. 95-49
 11-35-103(11) and 11-35-104(1)(a) Amended, 9/4/02, Ord. 2002-36
 Amended 11-35-103 (15)(d) 4/19/06 Ordinance 2006-28
 Amended 11-35-103(12), 5/18/10, Ordinance 2010-21
 Amended 11-35-103(15), 6/5/12, Ordinance 2012-19